

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANNY-JOHN HANOIAN,

Petitioner,

v.

SANTA CRUZ COUNTY SUPERIOR  
COURT,

Respondent.

Case No. [19-cv-00689-JST](#)

**ORDER OF DISMISSAL**

On February 7, 2019, Petitioner filed a pleading indicating that he sought to appeal a judgment or order from the Santa Clara County Superior Court (ECF No. 1), which the Court construed as a petition for a writ of habeas corpus under 28 U.S.C. § 2254 (ECF No. 3.) That same day, the Clerk sent a notice to Petitioner informing him that he had not attached a petition to his pleading, and providing him with a blank petition for a writ of habeas corpus. ECF No. 3. The Clerk also sent Petitioner a notice informing him that he had not paid the filing fee or filed a motion seeking leave to proceed *in forma pauperis*. ECF No. 4. Petitioner was advised that if he did not pay the filing fee or file a complete *in forma pauperis* application within twenty-eight days, his case would be dismissed. *Id.* The time for Petitioner to comply with the Court's order has passed. Accordingly, the action is DISMISSED without prejudice for failure to either pay the filing fee or file a complete *in forma pauperis* application. Because this dismissal is without prejudice, Petitioner may move to reopen the action. Any such motion **must** contain a complete

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IFP application, or full payment for the \$5.00 filing fee. The Clerk shall terminate all pending motions, enter judgment and close the file.

**IT IS SO ORDERED.**

Dated: April 11, 2019

  
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JON S. TIGAR  
United States District Judge